

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated May 15, 2007. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

As outlined above, claims 4, 11, 15, and 19-23 stand for consideration in this application, wherein claims 1, 9-10, and 14 are being canceled and claim 2-3, 5-8, 12, and 16-18 were canceled without prejudice or disclaimer, while claims 4, 11, and 15 are being amended. In addition, new claims 19-23 are being added.

All amendments to the application are fully supported therein, including page 9, lines 1-11, page 10, lines 11-20, and page 18, line 11- page 20, line 17 of the specification and Figs. 2 and 10. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Interview Summary

The Interview with the Examiner Chun-Kuan (Mike) Lee was conducted on August 14, 2007. The Examiner agreed with Applicant's assertion that elements recited in new claims 19-23 are supported by the specification. No agreement was reached with respect to the 35 U.S.C. §112, first and second paragraph, rejections.

Formal Rejections

35 U.S.C. §112, first paragraph rejection

Claims 1, 4, 10-11, 13, and 15 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

As set forth above, the elements recited in claims 1, 9-10 and 13 are being canceled amended, and claims 4, 11, and 15 are now incorporated with the elements which were recited in claims 1, 9, and 13 respectively.

Fig. 2 illustrates a block diagram of a virtual machine system in one embodiment of the claimed system. Also, Fig. 10 shows an exemplary time chart of the process performed in the system as recited in claim 1. Initially, a first virtual machine LPAR0 acts as an active

computer and a second virtual machine LPAR1 acts as a standby computer. A clustering program 104 running in LPAR1 sends a command to deactivate/activate LPAR0 to a command control routine 124 of a control program 107 when occurrence of an error is detected in LPAR0. The control program 107 performs deactivation/activation of LPAR0 through the command control routine 124. Therefore, Applicants respectfully submit that claims 4, 11, and 15 as amended meet the requirements under 35 U.S.C. §112, first paragraph. Accordingly, withdrawal of these rejections is respectfully requested.

35 U.S.C. §112, second paragraph rejections

Claims 1, 4, 9-11, 13, and 15 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite and for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The elements of claims 1, 9, and 13, which are now incorporated with claims 4, 11, and 15, respectively are being amended so as to meet the requirements under 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of these rejections is respectfully requested.

Prior Art Rejections

35 U.S.C. §103(a) rejections

Claims 1 and 13 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Stiffler et al. (U.S. Patent No. 6,622,263) in view of Pittelkow et al. (U.S. Patent No. 7,003,688). Claims 9-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stiffler in view of Pittelkow and "Computer Input/Output." Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Stiffler in view of Pittelkow and further in view of "Computer Input/Output." As mentioned above, claims 1, 9-10, and 13-14 are being canceled, and therefore, these rejections are moot. Accordingly, withdrawal of these rejections is respectfully requested.

Allowable Subject Matter

Applicants thank the Examiner for holding that claims 4, 11 and 15 would be allowed if rewritten to overcome the rejections under 35 U.S.C. §112, first and second paragraphs, and into independent form to include all of the limitations of the base claim and any intervening claims. As set forth above, claims 4, 11 and 15 are being amended so as to overcome the rejections under 35 U.S.C. §112, first and second paragraphs, and into

independent form including all of the limitations of the base claim and any intervening claims. Accordingly, allowance of claims 4, 11 and 15, and of new dependent claims 19-23 is respectfully requested.

Conclusion

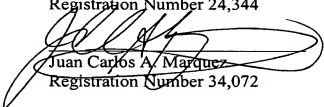
In view of all the above, Applicants respectfully submit that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

In light of the Amendments and Remarks, Applicants respectfully request early and favorable action with regard to the present application, and a Notice of Allowance for all pending claims is earnestly solicited.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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